

**SUPREME COURT MINUTES
WEDNESDAY, NOVEMBER 17, 1999
SAN FRANCISCO, CALIFORNIA**

S081855 People, Respondent
2nd Dist. v.
B122228 Alfred Gonzalez, Appellant
Div. 2 Petition for review GRANTED.

George, C.J.
Mosk, J.
Kennard, J.
Werdegar, J.
Chin, J.
Brown, J.

S081934 People, Respondent
1st Dist. v.
A080076 Jose Juan Garcia, Appellant
Div. 3 Appellant's petition for review GRANTED.

George, C.J.
Mosk, J.
Kennard, J.
Werdegar, J.
Chin, J.
Brown, J.

S082110 People, Respondent
2nd Dist. v.
B121438 Dennis Lee Epps, Appellant
Div. 4 Respondent's petition for review GRANTED.
 Appellant's petition for review DENIED.

George, C.J.
Kennard, J.
Werdegar, J.
Chin, J.
Brown, J.

S082570 Brian J. Donovan, Appellant
4th Dist. v.
G024997 RRL Corporation, Respondent
Div. 3 Respondent's petition for review GRANTED.

George, C.J.
Kennard, J.
Werdegar, J.
Chin, J.
Brown, J.

S082662 People, Respondent
3rd Dist. v.
C029002 Robert Nelson Atkins, Appellant
Respondent's petition for review GRANTED.

George, C.J.
Mosk, J.
Kennard, J.
Werdegar, J.
Chin, J.
Brown, J.

2nd Dist. People, Respondent
B120893 v.
Div. 6 Jess Edward Swanson et al., Appellants
S082286 Respondent's petition for review GRANTED.
The cause is transferred to the Court of Appeal, Second
Appellate District, Division Six, with directions to vacate its
decision and to reconsider the cause in light of *People v. Reyes*
(1998) 19 Cal.4th 743 and *People v. Wood* (1999) 21 Cal.4th 668.

George, C.J.
Kennard, J.
Werdegar, J.
Chin, J.

2nd Dist. In re David Brian Nelson

B134586 on

Div. 4 Habeas Corpus

S082106 Petition for review GRANTED.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Four, with directions to vacate its September 1, 1999, order denying the petition for writ of habeas corpus and to issue an order to show cause, returnable before that court. The Director of Corrections is to be ordered to show cause, when the matter is placed on calendar, why the remittitur in case number B110471 should not be recalled, why the order dismissing petitioner's appeal should not be vacated, and why petitioner's appeal should not be reinstated. (*In re Serrano* (1995) 10 Cal.4th 447, 458; *In re Fierro* (1985) 169 Cal.App.3d 543, 546-547.) The return shall be filed on or before December 17, 1999.

George, C.J.

Mosk, J.

Kennard, J.

Werdegar, J.

Chin, J.

Brown, J.

S072524 Monique Etcheverry et al., Appellants

v.

TRI-AG Service et al., Respondents

Appellants' request for judicial notice of PR Notice PR 96-4 as an official record of the federal government within the meaning of Evidence Code section 452, subdivision (c) is granted.

S081716 Samuel J. Cotton, Petitioner

v.

Court of Appeal, Sixth Appellate District, Respondent

Petition for writ of mandate DENIED.

S082793 Style Cosmo Chemical Company, Ltd.

v.

Court of Appeal, Second Appellate District

Petition for writ of mandate DENIED.

- S082884 Louie F. Mora, Petitioner
v.
Court of Appeal, Fourth Appellate District, Division One,
Respondent
Petition for writ of mandate DENIED.
- S082993 Arthur Davis, Petitioner
v.
Los Angeles County Superior Court, Respondent
People, Real Party in Interest
Petition for writ of mandate DENIED.
- S059885 In re Lee Max Barnett
on
Habeas Corpus
The application, filed October 28, 1999, for leave to file a supplement to the petition for writ of habeas corpus, is granted. The petition for writ of habeas corpus filed March 20, 1997, as supplemented, is denied. All claims are denied on the merits. In addition, subparts (b), (c) and (d) of the fifth claim for relief (claim XIII.5) are barred because they were raised and rejected on appeal. (*In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Harris* (1993) 5 Cal.4th 813, 829-841.)
- S081011 In re Marcus Betton
on
Habeas Corpus
Petition for writ of habeas corpus DENIED.
- 1st Dist.
A084389 Central Parking System of California, Inc. et al.
v.
Div. 1 Port of Oakland
S082217 Petition for review DENIED.
- 1st Dist.
A084642 Norbert Schueller
v.
Div. 2 Carpenter et al.
S082225 Petition for review DENIED.

1st Dist. In re the Marriage of Wharton
A082032 -----
Div. 2 Lidia Wolny, Respondent
S082264 v.
Vance W. Wharton, Appellant
Petition for review DENIED.

1st Dist. In re Janee J., a Person Coming Under the Juvenile Court Law
A084637 -----
Div. 2 Contra Costa County Social Services Department, Respondent
S082283 v.
Darlene G., Appellant
Petition for review DENIED.

1st Dist. California State Automobile Association
A082395 v.
Div. 3 Richard Howland
S082449 Petition for review DENIED.

1st Dist. George Straggas
A084230 v.
Div. 2 USX Corporation
S082658 Petition for review DENIED.

1st Dist. In re the Marriage of Jean and Robert Campbell
A084410 -----
Div. 5 Jean E. Campbell
S082672 v.
Robert G. Campbell
Petition for review DENIED.

1st Dist. People
A083422 v.
Div. 5 Robert E. Davis
S082739 Petition for review DENIED.

1st Dist. People
A083397 v.
Div. 4 Calvin Peace
S082741 Petition for review DENIED.

1st Dist. In re Lawrence Rudy Kirk
A087145 on
Div. 5 Habeas Corpus
S082754 Application for stay and petitions for review DENIED.

1st Dist. Paul Ebner
A084975 v.
Div. 1 Frederick Constant et al.
S082800 Petition for review DENIED.

1st Dist. People
A080918 v.
Div. 4 Toby Armon Evans
S082803 Petition for review DENIED.

1st Dist. City and County of San Francisco
A083675 v.
A085764 William Pon et al.
Div. 3 Petition for review DENIED.
S082806

1st Dist. Rickey L. Davis
A085063 v.
Div. 1 California State Personnel Board
S082827 Petition for review DENIED.

1st Dist. In re Benjamin Jasmine
A088489 v.
S082893 Habeas Corpus
Petition for review DENIED. (*In re Wesley W.* (1981) 125
Cal.App.3d 240, 247.)

1st Dist. People
A082496 v.
Div. 1 Alex Patrick Zaste
S082908 Petition for review DENIED.

2nd Dist. William Penuela, etc.
B093418 v.
Div. 4 City of Glendale et al.
S082925 Petition for review DENIED.

2nd Dist. Thomas J. Ward
B101430 v.
Div. 3 Guinness America
S082365 Petition for review DENIED.

2nd Dist. J. Alan Jensen
B113252 v.
Div. 5 Corona Del Malibu
S082623 Petition for review DENIED.

2nd Dist. William Penuela, etc.
B115038 v.
Div. 4 National Railroad Passenger Corporation, etc. et al.
S083192 Request for transfer DENIED.

2nd Dist. People
B116187 v.
Div. 7 Glenn M. Young et al.
S082389 Petitions for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People
B117926 v.
Div. 2 Michael Baker et al.
S081693 Petition for review DENIED.

2nd Dist. Terence J. Mix
B118959 v.
Div. 5 Tumanjan Development Corporation
S082838 Petition for review DENIED.

2nd Dist. People
B119469 v.
Div. 3 James Samuel Bryant
S082794 Petition for review DENIED.

2nd Dist. Issachar Shabtay et al.
B119495 v.
Div. 4 20th Century Insurance Company
S082756 Petition for review DENIED.

2nd Dist. People
B120110 v.
Div. 2 Oscar A. Serrano
S082891 Petition for review DENIED.

2nd Dist. People
B120751 v.
Div. 7 Winford Mitchell
S082731 Petition for review DENIED.

2nd Dist. Najila Brent
B121575 v.
Div. 7 Continental Casualty Company
S082243 Petition for review DENIED.

2nd Dist. People
B121672 v.
Div. 7 James Lee Antoine
S0826274 Petition for review DENIED.

2nd Dist. People
B121933 v.
Div. 1 Julian May
S082826 Petition for review DENIED.

2nd Dist. People
B122088 v.
B129997 Richard Ryan Pechickjian
Div. 1 Petition for review DENIED.

2nd Dist. People
B122322 v.
Div. 7 Jennifer French
S082788 Petition for review DENIED.

2nd Dist. People
B122574 v.
Div. 5 Edwin Seth Brown
S082684 Petition for review DENIED.

2nd Dist. B122601 B125705 Div. 1 S082816	Robert H Keil v. Loyola Marymount University et al. Petition for review DENIED.
2nd Dist. B122750 B122893 Div. 1 S082737	Montrose Chemical Company v. American Motorists Insurance Company Petition for review DENIED.
2nd Dist. B123102 Div. 5 S081940	In re the Conservatorship of Phyllis Morando Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
2nd Dist. B123435 Div. 5 S082486	April S. Ray v. County of Los Angeles Petition for review DENIED.
2nd Dist. B123444 Div. 5 S082696	People v. Joshua Daniel Geier Petition for review DENIED.
2nd Dist. B123614 Div. 4 S082804	People v. Steve Lewis Petition for review DENIED.
2nd Dist. B123932 Div. 7 S082342	People v. Stephen Defrancis Petitions for review DENIED.
2nd Dist. B124023 Div. 5 S082690	People v. Mario Alex Elders et al. Petition for review DENIED.

2nd Dist. Glenn Tracey
B124035 v.
Div. 2 Bicycle Club Casino
S082229 Petition for review DENIED.

2nd Dist. People
B124349 v.
Div. 7 Bruce Bartman
S082335 Petition for review DENIED.

2nd Dist. Richard H. Gleason
B124532 v.
Div. 4 State Board of Equalization
S082267 Petition for review DENIED.

2nd Dist. People
B124587 v.
Div. 4 Steven D. Garcia
S082326 Petition for review DENIED.

2nd Dist. People
B124752 v.
Div. 1 Ersent Boykins et al.
S082289 Petition for review DENIED.

2nd Dist. People
B124836 v.
Div. 2 Donnie E. Washington
S082767 Petition for review DENIED.

2nd Dist. People
B124864 v.
B130543 Wyking Martal Washington
Div. 1 Petition for review DENIED.
S082839

2nd Dist. People
B125174 v.
Div. 1 Antonio Childress
S082695 Petition for review DENIED.

2nd Dist. People
B125308 v.
Div. 3 Jerry Noe Jaure
S082759 Petition for review DENIED.

2nd Dist. People
B125312 v.
Div. 6 Mark Solomon
S082780 Petition for review DENIED.

2nd Dist. In re Anthony R., a Minor
B125429 Petition for review DENIED.
Div. 7
S082819

2nd Dist. People
B125472 v.
Div. 5 Oscar Barron
S082790 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People
B125730 v.
Div. 1 Gary Eugene Keesling
S082675 Petition for review DENIED.

2nd Dist. D. Henry & Sons, Inc.
B126139 v.
Div. 6 William Kessel et al.
S082634 Petition for review DENIED.

2nd Dist. People
B126158 v.
Div. 7 Gregory L. Jones
S082930 Petition for review DENIED.

2nd Dist. Neil Jasper et al.
B126321 v.
Div. 1 Robert Cooper et al.
S082727 Petition for review DENIED.

2nd Dist. People
B126337 v.
Div. 2 Freddie Luna
S082427 Petition for review DENIED.

2nd Dist. People
B126343 v.
Div. 7 Hector Rojas Secundino
S082748 Petition for review DENIED.

2nd Dist. Sheila Hawkins
B126887 v.
Div. 3 ITT Educational Services, Inc. et al.
S082639 Petition for review DENIED.

2nd Dist. Victoria Kopitske, Petitioner
B126908 v.
Div. 6 Workers' Compensation Appeals Board et al., Respondents
S082608 Petition for review DENIED.
Kennard, J., and Brown, J., are of the opinion the petition should be granted.

2nd Dist. People
B126966 v.
Div. 4 Antonio Pedro Garcia
S082801 Petition for review DENIED.

2nd Dist. People
B127262 v.
Div. 5 Wayne Robert Contreras
S082840 Petition for review DENIED.

2nd Dist. Jatondalyn Black, Petitioner
B134432 v.
Div. 4 Workers' Compensation Appeals Board, Respondent
S082889 Petition for review DENIED.

2nd Dist. In re Carlos E., a Person Coming Under the Juvenile Court Law
B134547 Petition for review DENIED.
Div. 5
S082773

- 2nd Dist. Olufemi B. Ogunmola, Petitioner
B135123 v.
Div. 3 Los Angeles County Superior Court, Respondent
S082667 Medical Board of California, Real Party in Interest
Petition for review DENIED.
- 2nd Dist. Family Planning Associates Medical Group, Inc., Petitioner
B135200 v.
Div. 1 Los Angeles County Superior Court, Respondent
S082823 Rhonda Witherspoon, Real Party in Interest
Petition for review DENIED.
- 2nd Dist. American Motorists Insurance Company, Petitioner
B135423 v.
Div. 7 Los Angeles County Superior Court, Respondent
S083281 Montrose Chemical Company, Real Party in Interest
The request for judicial notice is granted.
Application for stay and petition for review DENIED.
- 2nd Dist. Alok Kumar, Petitioner
B135440 v.
Div. 2 Los Angeles County Superior Court, Respondent
S082892 People, Real Party in Interest
Petition for review DENIED.
- 2nd Dist. Stylecosmo Chemical Corporation, Petitioner
B135448 v.
Div. 5 Los Angeles County Superior Court, Respondent
S082795 U.S. Polo Club, Inc. Real Party in Interest
Petition for review DENIED.
- 2nd Dist. Raymond D. Clark, Petitioner
B135504 v.
Div. 5 Los Angeles County Superior Court, Respondent
S082786 People, Real Party in Interest
Petition for review DENIED.
- 2nd Dist. Larraine Althea Wells, Petitioner
B135681 v.
Div. 1 Los Angeles County Superior Court, Respondent
S082861 People, Real Party in Interest
Petition for review DENIED.

3rd Dist. People
C027457 v.
S082764 Vashon T. Jackson
Petition for review DENIED.

3rd Dist. People
C028962 v.
S082818 Tri Thanh Nguyen
Petition for review DENIED.

3rd Dist. People
C028987 v.
S082792 Reginald Harrison Samuels
Petition for review DENIED.

3rd Dist. Cameo James
C030665 v.
C031526 Michael Favero
S082691 Petition for review DENIED.

3rd Dist. People
C031091 v.
S082689 Vincent Urain Solomon
Petition for review DENIED.

4th Dist. Gerald Ray Bodge et al.
D028264 v.
Div. 1 Aspen Enterprises, Inc. et al.
S082859 Petition for review DENIED.

4th Dist. Ernest Petrosino et al.
D029037 v.
Div. 1 Nationwide Mutual Insurance Company et al.
S082485 Petition for review DENIED.

4th Dist. People
D030537 v.
Div. 1 William McCollum
S082854 Petition for review DENIED.

4th Dist. People
D030956 v.
Div. 1 Andre Johnson
S082300 Petition for review DENIED.

4th Dist. People
D031603 v.
Div. 1 Fred Ramirez Cordova
S082781 Petition for review DENIED.

4th Dist. People
D031739 v.
Div. 1 Mark Alan Pedersen
S082673 Petition for review DENIED.

4th Dist. People
D032107 v.
Div. 1 Luc Dinh Vu
S082862 Petition for review DENIED.

4th Dist. People, Respondent
D032465 v.
Div. 1 Leslie Norman Maciver
S082751 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

4th Dist. In re Keith Bridgewater
D033771 on
Div. 1 Habeas Corpus
S082765 Petition for review DENIED.

4th Dist. Raymond Slayton, Petitioner
D033823 v.
Div. 1 Workers' Compensation Appeals Board et al., Respondents
S082338 Petition for review DENIED.

4th Dist. William E. Barnes, Petitioner
D033882 v.
Div. 1 San Diego County Superior Court, Respondent
S082738 People, Real Party in Interest
Petition for review DENIED.

4th Dist. D034243 Div. 1 S082702	Francis Maalouf, Petitioner v. Orange County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
4th Dist. E020701 Div. 2 S082698	People v. Guthrie Lee Danowski Petition for review DENIED.
4th Dist. E021252 E021607 Div. 2 S082200	People v. Robert Bernett Duke And Companion Case Petitions for review DENIED.
4th Dist. E022948 Div. 2 S082924	People v. Wiley Dwayne Spencer Petition for review DENIED.
4th Dist. E022951 Div. 2 S082563	People v. Ronald Eugene Cook, Jr. Petition for review DENIED.
4th Dist. E023381 Div. 2 S082814	People v. Michael D. Williams Petition for review DENIED.
4th Dist. E025204 Div. 2 S082241	Adrienne Gaines, Petitioner v. San Bernardino County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.

4th Dist. In re Damon Cook
E025597 on
Div. 2 Habeas Corpus
S082817 Petition for review DENIED.

4th Dist. William Brad Morrison
E025624 v.
Div. 2 Workers' Compensation Appeals Board et al., Respondents
S082465 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

4th Dist. John Quimet et al., Petitioners
E025636 v.
Div. 2 San Bernardino County Superior Court, Respondent
S082340 Michaela Vrono et al., Real Parties in Interest
Petition for review DENIED.

4th Dist. Kruegel
G020950 v.
Div. 3 Duffy
S082332 Petition for review DENIED.

4th Dist. People, Respondent
G023347 v.
Div. 3 Juan Alexander Montes, Appellant
S082108 Appellant's petition for review DENIED.

4th Dist. Grubb & Ellis, Petitioner
G025628 v.
Div. 3 Workers' Compensation Appeals Board et al., Respondents
S082488 Petition for review DENIED.

4th Dist. Grubb & Ellis, Petitioner
G025629 v.
Div. 3 Workers' Compensation Appeals Board et al., Respondents
S082489 Petition for review DENIED.

4th Dist. In re Francis Maalouf
G025636 on
Div. 3 Habeas Corpus
S082965 Petition for review DENIED.

4th Dist. In re Derric Burbie
G026001 on
Div. 3 Habeas Corpus
S082798 Petition for review DENIED. (*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Lessard* (1965) 62 Cal.2d 497, 503.)

5th Dist. People
F028124 v.
S082249 Louis Edward Callahan
Petition for review DENIED.

5th Dist. People
F028162 v.
S082223 Francisco Hernandez
Petition for review DENIED.

5th Dist. People
F028882 v.
S082929 Russell S. Scholl
Petition for review DENIED.

5th Dist. People
F028906 v.
S082287 Ray Lee Vaughn
Petition for review DENIED.

5th Dist. People
F029634 v.
S082388 James Lewis Pope
Petition for review DENIED.

5th Dist. People
F029663 v.
S082831 Rafael Navarro
Petition for review DENIED.

5th Dist. People
F029935 v.
S082768 Dennis Lynn Lopez
Petition for review DENIED.

6th Dist. H017795 S082368	People v. William McCray Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
6th Dist. H018145 S082774	People v. Julio Cesar Guluarte Petition for review DENIED.
6th Dist. H018652 S082787	People v. Jacinto Aguilar Bartolo Petition for review DENIED.
6th Dist. H019384 S082883	In re Johnny A., a Minor Petition for review DENIED.
6th Dist. H020494 S082664	In re Molly F. on Habeas Corpus Petition for review DENIED.
6th Dist. H020577 S082772	Thomas Bertram, Petitioner v. Santa Clara County Superior Court, Respondent People, Real Party in Interest Application for stay and petition for review DENIED.
1st Dist. A080458 Div. 1 S077059	In re Adoption of Daniel E. The request for an order directing publication of the opinion in the above-entitled appeal is DENIED.
1st Dist. A082890 Div. 3 S082215	Northeast Santa Rosa Environmental Alliance et al. v. City of Santa Rosa et al. The request for an order directing publication of the opinion in the above entitled cause is DENIED.

1st Dist. A0826809 Div. 2 S082097	In re Sabrina L. The request for an order directing publication of the opinion in the above-entitled appeal is DENIED.
2nd Dist. B118055 Div. 4 S081972	Ernsdorf v. County of Los Angeles The request for an order directing publication of the opinion in the above-entitled appeal is DENIED.
2nd Dist. B118835 Div. 7 S082459	Hernandez v. J & M Properties et al. The request for an order directing publication of the opinion in the above entitled appeal is DENIED.
2nd Dist. B125845 Div. 4 S082858	In re Kimberly H. et al., Minors The request for an order directing publication of the opinion in the above-entitled appeal is DENIED.
2nd Dist. B129397 Div. 5 S081164	In re Baby Girl J. The request for an order directing publication of the opinion in the above-entitled appeal is DENIED.
2nd Dist. B132930 Div. 1 S082844	In re Shaundrika P. et al. The request for an order directing publication of the opinion in the above-entitled appeal is DENIED.
5th Dist. F027448 S081647	Turlock Irrigation District v. Associated Electric & Gas Insurance Services, Ltd. et al. The request for an order directing publication of the opinion in the above-entitled appeal is DENIED.

4th Dist. In re Adrian Ben Cervera

G024092 on

Div. 3 Habeas Corpus

S075310 The time for granting or denying review in the above matter is hereby extended to and including December 6, 1999, or the date upon which review is either granted or denied, whichever occurs first. This order is entered nunc pro tunc as of November 5, 1999, due to clerical error.

S022224 People, Respondent

v.

Darren Cornelius Stanley, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including January 18, 2000.

S040703 People, Respondent

v.

James Robinson, Jr., Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including December 27, 1999, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

No further extensions of time are contemplated.

S083288 In re Israel Villa Salazar

On

Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including November 19, 1999.

Petitioner's reply, if any, is due November 22, 1999.

S020161 People, Respondent

v.

Tauno Waidla, Appellant

Good cause appearing therefor, appellant's "Motion to Augment Record on Appeal" is granted.

The clerk is hereby directed to file "Report's Transcript of

Proceedings[:] January 4, 1991,” containing pages 3105-A to 3105-D.

S059885 In re Lee Max Barnett
 On
 Habeas Corpus

Petitioner’s motion to recuse the court for presumed bias, filed November 10, 1998, is denied. Petitioner’s motion to dismiss appointed habeas corpus counsel and appoint new counsel in their place, motion for self-representation in the habeas corpus proceeding, and all other related requests for relief, as reflected in all papers filed or received on or before July 18, 1997, are denied.

S004790 People, Respondent
Crim. v.
26424 Keith Tyrone Fudge, Appellant

Good cause appearing, the application of appointed lead counsel and associate counsel for permission to withdraw as attorneys of record for condemned prisoner Keith Tyrone Fudge, filed October 29, 1999, is granted.

The order appointing Jeannie R. Sternberg as counsel of record for condemned prisoner Keith Tyrone Fudge, filed June 17, 1998, is hereby vacated and the order appointing Gary D. Sowards as associate counsel of record for condemned prisoner Keith Tyrone Fudge, also filed June 17, 1998, is hereby vacated.

The Habeas Corpus Resource Center is hereby appointed attorney of record for condemned prisoner Keith Tyrone Fudge. Counsel is appointed for purposes of all appropriate post-conviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

